

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2036-01  
Bill No.: HB 913  
Subject: Drugs and Controlled Substances; Crimes and Punishment  
Type: Original  
Date: April 18, 2011

---

Bill Summary: This proposal revises the crime of trafficking drugs in the first and second degree by changing the weights necessary for enhanced punishment on cocaine based drugs.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	Unknown	Unknown	Unknown
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>Unknown</b>	<b>Unknown</b>	<b>Unknown</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

Officials from the **Department of Health and Senior Services, Office of the State Public Defender, Office of Prosecution Services**, and the **Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Corrections (DOC)** state this proposal revises the crime of trafficking drugs in the first and second degrees by changing the weights necessary for enhanced punishment on cocaine based drugs.

Crimes for drug trafficking in this bill are punishable by up to class A felonies. Raising the minimum amount of drugs by eighteen (18) times the amount currently necessary in order to be charged with the existing crimes will reduce the amount of offenders sentenced to DOC. The potential amount of offenders cannot be estimated. A decrease in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. In summary, decrease in supervision by the DOC through probation or incarceration would result in decreased costs to the department and the exact positive fiscal impact is unknown per each fiscal year.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
<b>GENERAL REVENUE</b>			
<u>Savings</u> - Department of Corrections			
Less incarceration / supervision costs from crime of drug trafficking being more difficult to reach.	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<u>UNKNOWN</u>	<u>UNKNOWN</u>	<u>UNKNOWN</u>

FISCAL IMPACT - Local Government

FY 2012  
(10 Mo.)

FY 2013

FY 2014

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

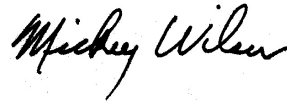
Currently, a person commits the crime of trafficking drugs in the first degree, a class A felony, if he or she distributes, delivers, manufactures, or produces or attempts these actions, more than two grams of a mixture or substance which contains cocaine base. If the quantity is more than more than two but less than six grams, the person will be sentenced to the authorized term of imprisonment for a class A felony; and if the quantity is six grams or more, the person will be sentenced to the authorized term of imprisonment for a class A felony without probation or parole. This bill increases the quantity to 36 grams for a class A felony; more than 36 but less than 108 grams for a sentence of imprisonment for a class A felony; and 108 grams or more for a sentence of imprisonment for a class A felony without probation or parole.

Currently, a person commits the crime of trafficking drugs in the second degree if he or she possesses or has under his or her control, purchases, attempts to purchase, or brings into this state more than two grams of a mixture or substance which contains cocaine base. If the quantity is more than more than two but less than six grams, the person will be guilty of a class B felony; and if the quantity is six grams or more, the person will be guilty of a class A felony. The bill increases the quantity to more than 36 but less than 108 grams for a class B felony and 108 grams or more for a class A felony.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety  
Office of the State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Corrections  
Department of Health and Senior Services

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
April 18, 2011